

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES	:	CRIMINAL ACTION
	:	
v.	:	
	:	
DARRYL K. BARNES	:	NO. 05-134

**ORDER**

**AND NOW**, this 20th day of July, 2009, upon consideration of Defendant's Motion to Vacate, Set Aside, or Correct Sentence (Docket No. 134), and in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Defendant's Motion is **DENIED**.
2. Because Defendant has failed to make a substantial showing of the denial of a constitutional right, we decline to issue a certificate of appealability under 28 U.S.C. § 2253(c)(2).

BY THE COURT:

/s/ John R. Padova  
John R. Padova, J.